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Letter dated 26 December 2016 from the Permanent Representative of Azerbaijan to the United Nations Office at Geneva addressed to the President of the Human Rights Council

I have the honour to transmit herewith information on the damage caused to the environment of certain territories of the Republic of Azerbaijan as a result of their ongoing occupation by the Republic of Armenia (see annex). Such damage to the environment in time of armed conflict contravenes the norms and principles of international law, including those related to a safe, clean, healthy and sustainable environment that is integral to the full enjoyment of a wide range of human rights – the rights to life, health, food, water and sanitation.

I would be highly appreciative if you could kindly circulate the present letter and the annex thereto* as a document of the thirty-fourth session of the Human Rights Council under agenda item 4.

(*Signed*) Vaqif **Sadiqov**

Ambassador, Permanent Representative

* Reproduced as received, in the language of submission only.

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Annex to the letter dated 26 December 2016 from the Permanent Representative of Azerbaijan to the United Nations Office at Geneva addressed to the President of the Human Rights Council

Information on damage to the environment in the occupied territories of the Republic of Azerbaijan

Pursuant to the General Assembly resolution 56/4 of 5 November 2001, which the Republic of Azerbaijan joined as one of the co-sponsors, the International Day for Preventing the Exploitation of the Environment in War and Armed Conflict is commemorated on 6 November of every year. In that resolution, the General Assembly noted that damage to the environment in times of armed conflict impairs ecosystems and natural resources long beyond the period of conflict, and recalled in particular Article 2, paragraph 4, of the Charter of the United Nations according to which all Member States shall refrain from the threat or use of force against the territorial integrity of any State in their international relations.

Earlier, in 1992, in its resolution 47/37, entitled "Protection of the environment in times of armed conflict", the General Assembly urged States to take all measures to ensure compliance with the existing international laws applicable to the protection of the environment in times of armed conflict.

The 2030 Agenda for Sustainable Development paid particular attention to the need for urgent action to protect the environment. In May 2016, theUnited Nations Environment Assembly adopted a resolution on the protection of the environment in areas affected by armed conflict, reaffirming, inter alia, its strong commitment to the full implementation of the 2030 Agenda and stressing the importance of the implementation by all Member States of international law applicable to the protection of the environment in areas affected by armed conflict in line with their legal responsibilities.

The aggression by Armenia against Azerbaijan, which has led to the seizure of almost 20 per cent of the sovereign territory of Azerbaijan, claimed the lives of tens of thousands of people, ruined cities and livelihoods and resulted in the forcible expulsion of more than 1 million Azerbaijanis from their homes and properties, has also had a devastating impact on the environment, with destroyed forests, burned and degraded soil, polluted water resources and killed animals.

The total area of special environmental protection in Azerbaijan covers 890,000 hectares of land, of which 42,997 hectares are currently under Armenian military occupation, including 152 natural monuments, 5 geological objects, 2 nature reserves, 4 conservation areas and 7 lakes, with a wide range of plant and animal species. In addition 247,352 hectares of forests remain under occupation, including 13,197 hectares of valuable forests, with hundreds of rare species of trees, such as plane trees, nut trees, oak trees, box tree evergreens, Eldar pine trees, persimmon trees and others.

Since the beginning of the conflict, the armed forces of Armenia have deliberately employed methods and means of warfare to cause widespread, long-term and severe damage to the environment of Azerbaijan, including its occupied territories.

Thus, in 2006, some areas in the occupied territories along the front line between the armed forces of Azerbaijan and the armed forces of Armenia were subjected to wide-scale

fires.[1] In its resolution 60/285 of 7 September 2006, entitled "The situation in the occupied territories of Azerbaijan", the General Assembly expressed serious concern about the fires in the occupied territories and stressed the necessity to urgently conduct an environmental operation to suppress the fires and to overcome their detrimental consequences. In accordance with that resolution, between 2 and 13 October, the occupied territories of Azerbaijan were visited by an environmental assessment mission led by the Organization for Security and Cooperation in Europe (OSCE). In its report, the mission concluded, inter alia, that the fires had resulted in environmental and economic damages and had threatened human health and security.[2]

The continuing occupation by Armenia of the territories of Azerbaijan also deprives hundreds of thousands of citizens of Azerbaijan of drinking water, causes soil erosion, dehydration and desertification and severely affects the region's natural resources and flora and fauna.

In its resolution 2085 (2016), adopted on 26 January 2016, the Parliamentary Assembly of the Council of Europe described Armenia's actions as environmental aggression aimed at creating humanitarian and environmental problems for the citizens of Azerbaijan. The Assembly warned of the serious threat of disaster and humanitarian crisis that the state of disrepair of the Sarsang dam posed to the whole area. In view of that urgent humanitarian problem, the Assembly demanded from Armenia its immediate withdrawal from the occupied territories of Azerbaijan and the cessation of using water resources as tools of political influence or an instrument of pressure benefiting it.[3]

The environment is being severely damaged also as a result of the continuing barbaric exploitation of natural resources in the occupied territories of Azerbaijan. Such exploitation has generated significant profit for Armenia and the subordinate separatist regime it has set up in those territories to accrue personal fortunes and fund a war. The relentless exploitation of farmlands in the occupied territories for many years has led to their depletion.[4]

There is evidence of deliberate transboundary pollution of rivers from tailings originating in Armenia, crossing the international border of Azerbaijan and ending up in its farmlands and forests. Thus, waters of the rivers in the Syunik district of Armenia, polluted with wastes from the Kapan Ore Processing Plant, the Zangezour Copper and Molybdenum

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[1] See the letter dated 28 July 2006 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General, transmitting the letter dated 28 July 2006 from the Minister for Foreign Affairs of the Republic of Azerbaijan (A/60/963).

[2] See the letter dated 20 December 2006 from the Permanent Representative of Belgium to the United Nations addressed to the Secretary-General, transmitting the report to the OSCE Chairman-in-Office from the Coordinator of OSCE Economic and Environmental Activities (A/61/696).

[3] The Sarsang reservoir is the largest water reservoir in the area. It was formed in 1976 when a dam was built on the Tartar river in the Aghdere district of Azerbaijan to supply drinking water to more than 500,000 people in the areas of upper and lower Karabakh in Azerbaijan and irrigation water to more than 100,000 hectares of fertile land in the six districts of the republic. It has been under Armenian occupation since 1993. The current technical condition of the Sarsang dam poses a serious threat to approximately 400,000 citizens of Azerbaijan living downstream from it. For more information, see the report of the Rapporteur of the Committee on Social Affairs, Health and Sustainable Development of the Parliamentary Assembly of the Council of Europe, Milica Marković, entitled "Inhabitants of frontier regions of Azerbaijan are deliberately deprived of water" (Document 13931, 12 December 2015).

[4] For more information, see the letter dated 15 August 2016 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General, transmitting the report on illegal economic and other activities in the occupied territories of Azerbaijan (A/70/1016-S/2016/711).

Combine and the "Artsvanik" tailing dump, flow into the transboundary Okhchuchay river and then into the occupied Zangilan district of Azerbaijan and the Araz river.

The timber trade has become one of the sources of revenue for Armenia. In 1993 alone, some 206,600 cubic metres of valuable types of timber from the occupied territories of Azerbaijan were transported to Armenia. In 1996, 55 hectares of walnut trees of the Leshkar forest area in the occupied Zangilan district of Azerbaijan, planted in 1957 and 1958, were cut down. In 2003, some 10,000 walnut trees were cut down in the occupied territories. Some 45,359 cubic metres of timber was cut in 2010 and 96,237 cubic metres in 2013. The evidence confirms that illegal timber-cutting in the occupied territories is on the rise.

Owing to its continuing aggression against Azerbaijan, Armenia bears full international responsibility for the breaches of international law, including those that have caused damage to the environment of Azerbaijan and the depletion of natural resources in its occupied territories. This once again confirms the need for urgent and effective action to invoke Armenia's responsibility through consistent efforts by the international community, thus bringing to an end the impunity enjoyed by the aggressors and ensuring the liberation of the Nagorno-Karabakh region and other occupied territories of Azerbaijan from the Armenian occupation.

There can be no durable peace if the environment that sustains livelihoods is destroyed, polluted and barbarically exploited. As the Secretary-General of the United Nations stated on 6 November 2016 in his message on the International Day for Preventing the Exploitation of the Environment in War and Armed Conflict, to achieve the goals declared in the 2030 Agenda for Sustainable Development, which is a transformational blueprint for peace, prosperity and dignity for all on a healthy planet, we have a duty of care towards the environment in peacetime and during war and have to work together to combat environmental crime and end the illegal exploitation of natural resources.